IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2228 OF 2007

Smt. Betty Depenha w/o Simon Fernandes & Anr. .... Petitioners

Vs.

The State of Maharashtra & Ors. .... Respondents

Mr. M.P. Mishra for Petitioner
Mr. V.B. Konde-Deshmukh, APP for the State.

CORAM : R.M.S. KHANDEPARKAR, &
A.A. SAYED, JJ.
DATE : 4TH DECEMBER, 2007

P.C.

1) Heard.

2) The Petitioners challenge the complaint No.30/Misc/2006 filed by one Mrs. Nigar Sohel Fatima in the Court of Metropolitan Magistrate, Andheri, Mumbai, the order dated 21st February 2006 passed in the said complaint by the Metropolitan Magistrate directing the investigation under Section 156(iii) of Cr.P.C. and recording of F.I.R. in C.R. No.2/06 for the offence under Sections 465, 467, 471, 420, 504 and 506(II) r/w 34 of Indian Penal Code at Versova Police Station. The challenge is on the ground that the complaint is false. Apart from the fact that there is no explanation for delay in approaching the Court,

merely because the complaint according to the Petitioner is false, that cannot be the ground for the interference in the writ jurisdiction. Once the complaint and or F.I.R. discloses the cognizable offence, quashing of F.I.R./ complaint or investigation does not arise at all. Hence, the petition is rejected.

(R.M.S. KHANDEPARKAR, J.)

(A.A. SAYED, J.)